

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.3.221 special requirements)	AMENDMENT
for alternative livestock as defined in)	
87-4-406, MCA, 32.3.2006 intrastate)	
movement of cattle: identification,)	NO PUBLIC HEARING
32.4.402 elk-red deer hybridization)	CONTEMPLATED
tests, and 32.4.601 importation of)	
alternative livestock)	

TO: All Concerned Persons

1. On April 18, 2016, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., April 11, 2016, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

32.3.221 SPECIAL REQUIREMENTS FOR ALTERNATIVE LIVESTOCK AS
DEFINED IN 87-4-406, MCA (1) All sexually intact alternative livestock six months
of age and older imported into Montana must be either test-negative for brucellosis
within 30 days prior to importation or originate from a brucellosis certified free herd.
(a) through (6) remain the same.

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA
IMP: 81-2-102, 81-2-103, 81-2-703, 81-2-707, MCA

REASON: The department is proposing to clarify that brucellosis test requirements only apply to sexually intact animals.

Authority and implementation citations are being added to accurately reflect all statutes implemented through the rule and to provide the complete sources of rulemaking authority.

32.3.2006 INTRASTATE MOVEMENT OF CATTLE: IDENTIFICATION
(1) and (2) remain the same.

(3) Cattle ~~two years~~ eighteen months of age or over, except steers and spayed heifers, which are moved for slaughter or for sale in public market channels must be individually identified by a backtag affixed a few inches from the backline and just behind the shoulder of the animal, or by an eartag.

(4) Cattle ~~two years~~ eighteen months of age or over, except steers and spayed heifers, may be moved from a farm, ranch, or feedlot to a slaughtering establishment operating under official meat inspection, or to a licensed livestock market, or to a public stockyard, or to a shipping point, provided such cattle are identified upon arrival thereat by backtag or eartag, as prescribed in (3) ~~above~~, or by brand or lot if shipment is direct to slaughtering establishment from ranch or feedlot.

(5) remains the same.

AUTH: 81-2-102, 81-2-103, 81-2-104, MCA

IMP: 81-2-102, 81-2-103, 81-2-104, MCA

REASON: Montana Department of Livestock is proposing to change the required age of backtagging animals from two years of age to eighteen months of age to be consistent with federal animal disease traceability standards.

32.4.402 ELK-RED DEER HYBRIDIZATION TESTS (1) All elk imported into Montana must be ~~tested for~~ certified free from elk-red deer hybridization. No elk-red deer hybrid may be imported. ~~A copy of the test results must be provided to the department.~~

~~(2) The licensee shall test all elk born on or prior to December 31, 1999 for elk-red deer hybridization by January 1, 2000.~~

~~(3) The licensee shall test all elk born between January 1, 2000 and December 31, 2001 for elk-red deer hybridization by January 1 of the year following the year of birth or when the animal is sold or transported from the alternative livestock farm, whichever comes first.~~

~~(4) A licensee that has completed elk-red deer hybrid testing on his entire herd by January 1, 1999, may submit those results to the department and request a waiver to ARM 32.4.402(3) from the Department of Fish, Wildlife and Parks.~~

(2) An elk may be certified free from elk-red deer hybridization by one of the following methods:

(a) Provide an elk-red deer hybridization test result that shows no red deer markers and clearly identifies the animal; or

(b) Provide a North American Elk Breeder Association gold or silver level registration that clearly identifies the animal.

(5) and (6) remain the same but are renumbered (3) and (4).

AUTH: 81-2-102, 81-2-707, 87-4-422, MCA

IMP: 81-2-102, 81-2-703, 81-2-707, 87-4-422, MCA

REASON: The department is proposing to strike outdated language and allow recognition of North American Elk Breeder Association certification as proof of an animal being free from elk-red deer hybridization. Authority and implementation

citations are being added to accurately reflect all statutes implemented through the rule and to provide the complete sources of rulemaking authority.

32.4.601 IMPORTATION OF ALTERNATIVE LIVESTOCK (1) Alternative livestock imported into Montana must meet all requirements of ARM Title 32, chapter 3, subchapter 2, ~~;~~ Title 81, chapter 2, part 7, MCA, ~~;~~ and any other orders issued by the department ~~under the authority of 81-2-102, MCA.~~

(2) through (4)(a) remain the same.

(i) All elk in the shipment have been ~~tested for~~ certified free from red deer gene markers as required by ARM 32.4.402. No elk-red deer hybrid may be imported. ~~Laboratory test results for each individual animal must be provided to the department within 15 days of shipment of the animals~~ Certification must be provided to the department prior to the issuance of an import permit;

(ii) through (iv) remain the same.

(b) The importation permit must meet all of the requirements of ARM 32.3.207, ~~and include the following information:~~

~~(i) The permit is valid for no longer than ten days;~~

~~(ii) The person applying for the permit shall provide the following information;~~
and

~~(A) the names and addresses of the consignor and consignee;~~

~~(B) the number and species of animals;~~

~~(C) the origin of shipment (ranch where raised and all intermediate stops in the past six months);~~

~~(D) the final alternative livestock farm destination; and~~

~~(E) purpose of shipment, method of transportation, including the names of transporter, and such information as the state veterinarian may require.~~

~~(iii) The permit number may be issued by the department by telephone. The permit number must be listed on the official health certificate.~~

(5) ~~For change of ownership, a~~ A valid bill of sale/~~proof of ownership~~ must accompany the shipment. A copy of the bill of sale must be provided to the department at the time the animal is tagged and marked ~~as required by 87-4-414 and 81-3-102(2), MCA.~~

(6) remains the same.

(7) All alternative livestock must be quarantined upon arrival in Montana until all testing requirements have been met and the animal is tagged and marked ~~as required by 87-4-414 and 81-3-102, MCA.~~

(8) through (10) remain the same.

AUTH: 81-2-102, 81-2-103, 81-2-402, 81-2-707, 87-4-422, MCA

IMP: 81-2-102, 81-2-103, 81-2-402, 81-2-403, 81-2-703, 81-2-707, 81-3-102, 87-4-414, 87-4-422, MCA

REASON: The department is proposing to strike duplicate permit language and update the import requirements to reflect the proposed changes in ARM 32.4.402.

Statutes are being stricken in (1), (5), and (7) as unnecessary in the text of the rule. Authority and implementation citations are being added to accurately reflect all

statutes implemented through the rule and to provide the complete sources of rulemaking authority.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Department of Livestock, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., April 15, 2016.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. April 15, 2016.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 3 based upon approximately 24 alternative livestock producers in the state of Montana.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State, March 7, 2016.